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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
BUTLER, PATRICK	

ART UNIT	PAPER NUMBER
1732	

DATE MAILED: 12/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/662,492	ORTEGA, ALBERT E.	
	Examiner	Art Unit	
	Patrick Butler	1732	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on *22 September 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-32* is/are pending in the application.

4a) Of the above claim(s) *6-9,21-23 and 27* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5, 10-20, 24-26, and 28-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

The Applicant's Amendments and Accompanying Remarks, filed 22 September 2006, have been entered and have been carefully considered. No claims are new or amended, Claim 33 is canceled, and Claims 1-32 are pending, with Claims 6-9, 21-23, and 27 withdrawn.

Despite these advances, the invention as currently claimed is not found to be patentable for reasons herein below.

Election/Restrictions

Applicant's election of:

- the invention of group I, claims 1-32;
- the species "slot" for Group A, which was indicated to not be readable on all claims except 6 and 21; and
- the species of antistatic agent in Claim 16 and 28, which was indicated to read on Claims 10 and 11 but not Claims 7-9, 22, or 23

in the reply filed on 22 September 2006 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trimble (U.S. Patent No. 5,397,413) in view of Tortora (Understanding Textiles, pages 401 and 402).

With respect to Claim 1, Trimble teaches a spunbonding process with the step of using a melt blend of a variety of polymer resins and mixtures thereof, extruding the material to form a plurality of filaments, directing the filaments through slot draw attenuator (attenuation device; drawing the filaments to orient them), forming a web, and bonding the filaments (see Fig. 1; specifically Ref. 13, F, 30, and 34; Abstract; col. 4, lines 60 through col. 5, line 3; col. 5, lines 49-54).

Trimble does not expressly teach adding anti-static agents to the blend.

Tortora teaches bicomponent fibers containing metal or carbon, which are antistatic agents (see page 401, forth paragraph, through page 402, line 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Tortora's antistatic metal or carbon in the composition of fibers taught by Trimble in order to produce fibers that decrease static buildup (see Tortora, page 401, paragraphs 2-4).

With respect to Claim 2, Trimble teaches using polypropylene (see col. 8, lines 4-7).

Claims 1-5, 14, 15, 17-20, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gillespie (U.S. Patent No. 5,783,503) in view of Tortora (*Understanding Textiles*, pages 153-157, 401, and 402).

With respect to Claim 1, Gillespie teaches producing a spunbond product (spunbond nonwoven fabric; bonding the filaments of the web) by originating filaments from a spinneret (extruding), attenuating and drawing the filaments through a slot draw apparatus, and depositing the filaments onto a collection surface to form a web (see Fig. 4; col. 3, lines 16-34 and col. 9, lines 18-26).

Gillespie does not expressly teach adding anti-static agents to the blend. However Gillespie does teach to incorporate into the polymer melt components to control electrical properties (see col. 5, lines 35-42).

Tortora teaches bicomponent fibers containing metal or carbon, which are antistatic agents (see page 401, forth paragraph, through page 402, line 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Tortora's antistatic metal or carbon in the composition of fibers taught by Gillespie in order to produce fibers that decrease static buildup (see Tortora, page 401, paragraphs 2-4) and in order to control electrical properties (see Gillespie col. 5, lines 35-42).

With respect to Claims 2 and 4, Gillespie teaches using nylon, polyester, PE, PP, and PBT and combinations, which read on the claims (see Gillespie, col. 4, lines 66-col. 5, line 25).

With respect to Claim 3, Gillespie teaches using "nylon ... and copolymers thereof" (see col. 5, lines 5-8, which reads on the claim language "nylon copolymers," which meets the limitations of the claim.

Moreover, with respect to Claim 3, Tortora teaches that nylon 6 has a higher tenacity than nylon 6,6 (see page 156, *Strength* section). It would have been obvious to one of ordinary skill in the art at the time the invention was made to select nylon 6 as the nylon to use in Gillespie in order to have greater tenacity.

With respect to Claim 5, Gillespie teaches using a slot draw apparatus (see col. 9, lines 18-25).

With respect to Claims 14 and 15, nylon is one of the components in the bicomponent filament (see col. 4, lines 66 through col. 5, line 17). In a side-by-side configuration (see Fig. 3; see col. 5, line 66 through col. 6, line 4), the bicomponent filament would necessarily have at least one of the two components with more than 5% of the surface area. Moreover, if both components were nylon as taught by Gillespie (see col. 5, lines 33-42), nylon would occupy 100% of the surface area of each filament, which includes the claimed range of at least about 5%.

With respect to Claim 17, Gillespie teaches producing a spunbond product (spunbond nonwoven fabric; bonding the filaments of the web) by originating filaments from a spinneret using blends in separate extruders to form filament with one of the blends forming a portion of the surface of the filaments, attenuating and drawing the filaments through a slot draw apparatus, and depositing the filaments onto a collection surface to form a web (see Fig. 3 and 4; col. 3, lines 16-34; col. 5, line 66 through col. 6, line 9; col. 8, lines 8-19; and col. 9, lines 18-26).

With respect to Claim 18, Gillespie teaches using nylon, polyester, PE, PP, and PBT and combinations, which read on the claims (see Gillespie, col. 4, lines 66-col. 5, line 25).

With respect to Claim 19, Gillespie teaches using "nylon ... and copolymers thereof" (see col. 5, lines 5-8, which reads on the claim language "nylon copolymers," which meets the limitations of the claim.

Moreover, with respect to Claim 19, Tortora teaches that nylon 6 has a higher tenacity than nylon 6,6 (see page 156, *Strength* section). It would have been obvious to one of ordinary skill in the art at the time the invention was made to select nylon 6 as the nylon to use in Gillespie in order to have greater tenacity.

With respect to Claim 20, Gillespie teaches using a slot draw apparatus (see col. 9, lines 18-25).

With respect to Claim 26, Gillespie teaches that at least about 5 percent of the surface area of each filament is made of a nylon polymer (see Fig. 3; see col. 5, line 66 through col. 6, line 4). Nylon is one of the components in the bicomponent filament (see col. 4, lines 66 through col. 5, line 17). In a side-by-side configuration (see Fig. 3; see col. 5, line 66 through col. 6, line 4), the bicomponent filament would necessarily have at least one of the two components with more than 5% of the surface area. Moreover, if both components were nylon as taught by Gillespie (see col. 5, lines 33-42), nylon would occupy 100% of the surface area of each filament, which includes the claimed range of at least about 5%.

Claims 10-13, 16, 24, 25, 28, and 29-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gillespie (U.S. Patent No. 5,783,503) in view of Tortora (*Understanding Textiles*, pages 153-157, 401, and 402) as applied to Claims 1 and 17, and further in view of Warburton (US Patent No. 4,081,383).

With respect to Claims 16 and 28, Gillespie and Tortora do teach using nylon (polycaprolactum) as previously described. However, they do not explicitly teach using a sulfonic acid, a C_{10}-C_{18} alkane, and sodium salts.

However, Warburton teaches using a copolymer that contains sodium salts (sodium salts) of dodecane-1-sulfonic acid (a C_{10}-C_{18} alkane and sulfonic acid) (see col. 4, line 60 through col. 5, line 6) and vinyl sulfonic acid (see col. 3, line 8).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Warburton's copolymer composition in the extrusion of Gillespie in view of Tortora in order to provide the product with better anti-soiling treatment, and to control the anti-soiling treatment's polymer particle size (see Abstract and col. 4, lines 60 and 61).

Applicant's claim language describes the agent as an antistatic agent. However, this agent is manifested in the composition claimed, which is met by the composition of Warburton. However, Warburton recognizes the benefit of the polymer in reducing static build-up (see col. 6, lines 34-37).

With respect to Claims 10 and 11, as applicant's elected antistatic of Claim 16 was indicated to read on Claims 10 and 11, then Claims 10 and 11 are rejected as described above with respect to Claim 16.

With respect to Claims 12, 13, 24, 25, 29, and 32, applicant's specification teaches that a composition of a polycaprolactum, sulfonic acid, a C_{10}-C_{18} alkane, and sodium salts added to a two polymer delivery results in 0.6 Kilovolts/inch when added at 1% concentration (see Specification, page 10, table 1).

As Warburton's composition teaches adding the sodium salts (sodium salts) of dodecane-1-sulfonic acid (a C_{10}-C_{18} alkane and sulfonic acid) is present from 0.5-8% (see col. 5, lines 47-49), the 1% concentration is taught. Therefore, Warburton's static would measure at less than one kilovolt principally because it teaches the same process and composition as applicant, which arrived at said static level.

With respect to Claims 30 and 31, Gillespie teaches that at least about 5 percent of the surface area of each filament is and all filaments are made of a nylon polymer (see Fig. 3; see col. 5, line 66 through col. 6, line 4).

Claims 10-13, 16, 24, 25, 28, and 29-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gillespie (U.S. Patent No. 5,783,503) in view of Tortora (*Understanding Textiles*, pages 153-157, 401, and 402) as applied to Claims 1 and 17, and further in view of George (US Patent No. 4,167,464).

With respect to Claims 16 and 28, Gillespie and Tortora do teach using nylon (polycaprolactum) as previously described. However, they do not explicitly teach using a sulfonic acid, a C_{10}-C_{18} alkane, and sodium salts.

However, George teaches using a copolymer that contains sodium salts (sodium salts) of dodecane-1-sulfonic acid (a C_{10}-C_{18} alkane and sulfonic acid) or octadecane-1-

sulfonic acid (a C_{10}-C_{18} alkane and sulfonic acid) (see col. 4, line 65 through col. 5, line 9).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use George's copolymer composition in the extrusion of Gillespie in view of Tortora in order to provide the product with better degree of absorption of water and body fluids (see Abstract; col. 1, lines 46-49; and col. 6, lines 42-59).

Applicant's claim language describes the agent as an antistatic agent. However, this agent is manifested in the composition claimed, which is met by the composition of George.

With respect to Claims 10 and 11, as applicant's elected antistatic of Claim 16 was indicated to read on Claims 10 and 11, then Claims 10 and 11 are rejected as described above with respect to Claim 16.

With respect to Claims 12, 13, 24, 25, 29, and 32, Applicant's specification teaches that a composition of a polycaprolactum, sulfonic acid, a C_{10}-C_{18} alkane, and sodium salts added to a two polymer delivery results in 0.6 Kilovolts/inch when added at .1% concentration (see Specification, page 10, table 1).

As George's composition teaches adding the sodium salts (sodium salts) of dodecane-1-sulfonic acid (a C_{10}-C_{18} alkane and sulfonic acid) is present from 0.01-5% (see col. 5, lines 47-49), the 1% concentration is taught. Therefore, George's static would measure at less than one kilovolt principally because it teaches the same process and composition as applicant, which arrived at said static level.

With respect to Claims 30 and 31, Gillespie teaches that at least about 5 percent of the surface area of each filament is and all filaments are made of a nylon polymer (see Fig. 3; see col. 5, line 66 through col. 6, line 4).

Response to Arguments

Applicant's arguments filed 22 September 2006 have been fully considered but they are not persuasive.

Applicant argues with respect to the 35 USC 103(a) rejections. Applicant's arguments appear to be on the grounds that:

1) There is no reason for one skilled in the art to use the bicomponent fibers of Tortora in the method taught by Trimble because using these bicomponent fibers mentioned by Tortora in the method taught by Trimble would be counter-intuitive because it would greatly reduce the impact of the electrostatic charge introduced by Trimble at the attenuation device exit.

2) Since the electrostatic charge is introduced at the attenuation device exit in Trimble's method, it is clear that Trimble contemplated that any electrical properties would be altered at this point and not in the melt.

3) Causing bi-component fibers causes color pollution, is very expensive, and inserts a yarn or filaments with different orientation or physical properties than that of the filaments created by the spunbonding equipment. Due to these negative effects caused by using bicomponent fibers, it would not have been desirable to combine the method in the Trimble patent with the fibers taught by Tortora.

4) The bicomponent fibers taught by Tortora reduce the stat charges in synthetic fibers. Therefore, using them would lower the static charge in the filaments and defeat the purpose of the method of applying an external electric field to control filament separation as taught by Gillespie.

5) Causing bi-component fibers causes color pollution, is very expensive, and inserts a yarn or filaments with different orientation or physical properties than that of the filaments created by the spunbonding equipment. Due to these negative effects caused by using bicomponent fibers, it would not have been desirable to combine the method in the Gillespie patent with the fibers taught by Tortora.

6) Since Gillespie does not teach the proportions of each component in each filament, the figure appears to be the source of the proportions, which has been held to be improper.

7) Warburton's composition and method are for a process used at a low temperature. However, Applicant's spunbonding method is a high temperature system. Since compounds used in low temperature systems frequently cannot be used in high temperature systems due to decomposition temperatures of the compounds, it would not have been obvious to one of ordinary skill in the art to use the compounds from the low temperature system taught by Warburton on the high temperature system of the claimed method.

8) Warburton's composition is applied as a coating to a finished product rather than in the melt, which is significantly different.

9) With respect to Claims 12, 13, 24, 25, 29, and 32, Warburton's antistatic material is a coating and not used in a melt. Since there is not necessarily a connection between the static measurement when the antistatic materials is applied in these divergent ways, there is no reason to expect that Warburton's static levels would be similar to those recited in the current claims.

10) There would be no motivation to combine the cited references (Gillespie, Tortora, and Warburton).

11) George's method is practiced at a low temperature. However, Applicant's spunbonding method is a high temperature system. Therefore, it would not have been obvious to one of ordinary skill in the art to use the compounds dissolved in water in a low temperature system taught by George in the melt blending hot temperature system of the claimed method.

12) With respect to Claims 12, 13, 24, 25, 29, and 32, George's antistatic material made via photopolymerization and not used in a melt. Even though the compounds are comparable, that does not necessarily imply that static levels at an attenuator exit would be comparable had the compounds been added to the melt and set through an extruder. George does not teach the static levels. Given the different temperatures between Applicant's method and George's method, there is no basis for concluding that George's static levels are similar to those of the current claims.

13) As discussed in the specification for the claimed invention, Applicant's invention solved a long felt need in the art for reducing static and manufacturing defects in a clean, inexpensive manner for filaments exiting an attenuator.

The Applicant's arguments are addressed as follows:

1-3) The principle reason for introducing the antistatic agent of Tortora would be to produce fibers that decrease static buildup (see Tortora, page 401, paragraphs 2-4). As Trimble teaches an apparatus sufficient to induce static build-up for filament processing, the method would remain effectively practiced while producing a finished product with the desired feature taught by Tortora (see Tortora, page 401, paragraphs 2-4).

2) The examiner does not find support in Trimble for excluding or precluding additional electrical property alterations. Regardless, Trimble's electrical property manipulation affects the material merely during processing. Excluding Tortora's incorporation of antistatic agent would affect the final product permanently by precluding the final product from having the desired feature taught by Tortora (see Tortora, page 401, paragraphs 2-4). Since Trimble teaches an apparatus sufficient to induce static build-up for filament processing, the method would remain effectively practiced while producing a finished product with the desired feature taught by Tortora (see Tortora, page 401, paragraphs 2-4).

2, 8, and 11) Tortora is relied upon for teaching permanent antistatic properties and for implementing them most effectively via modification before extrusion (see Tortora, page 401, paragraphs 2-4).

3-5, 7, and 9) The evidence of record is incomplete in supporting the arguments of counsel. The arguments of counsel cannot take the place of evidence in the record.

3 and 5) Regarding the instance of having disadvantages to combining the references, Tortora teaches practicing the method of using the antistatic material. Thus, the advantages outweigh the disadvantages at least to the extent that Tortora teaches to practice the method.

4) While using the antistatic agent of Tortora may reduce the static build-up, it does not claim elimination of static build-up. Thus, as Gillespie teaches an apparatus sufficient to induce static build-up for filament processing, the method would remain effectively practiced while producing a finished product with the desired feature taught by Tortora (see Tortora, page 401, paragraphs 2-4). Moreover, decreasing the amount of static is not contrary to controlling the amount of static.

6) To Clarify, nylon is one of the components in the bicomponent filament (see col. 4, lines 66 through col. 5, line 17). In a side-by-side configuration (see Fig. 3; see col. 5, line 66 through col. 6, line 4), the bicomponent filament would necessarily have at least one of the two components with more than 5% of the surface area. Moreover, if both components were nylon as taught by Gillespie (see col. 5, lines 33-42), nylon would occupy 100% of the surface area of each filament, which includes the claimed range of at least about 5%.

7, 11, and 12) In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., temperatures above 200 °C or high temperatures) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification,

limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

9 and 12) As combined, Warburton's and George's antistatic material is added to the melt per Tortora's teaching of maximum antistatic benefit. As such, the product would necessarily have the same result as Applicant principally because it was made via the same process. As provided by Applicant, a composition of a polycaprolactum, sulfonic acid, a C_{10}-C_{18} alkane, and sodium salts added to a two polymer delivery results in 0.6 Kilovolts/inch when added at 1% concentration (see Specification, page 10, table 1). Therefore, as combined, the references teaching the same process and same product would meet the limitations of the claims pertaining to static measurement capabilities (Claims 12, 13, 24, 25, 29, and 32).

9 and 12) The examiner recognizes that all of the claimed effects and physical properties are not positively stated by the reference(s). Note however that the references teach all of the claimed ingredients, process steps and process conditions and thus, the claimed effects and physical properties would necessarily be achieved by carrying out the disclosed process. If it is applicants' position that this would not be the case: (1) evidence would need to be presented to support applicants' position; and (2) it would be the examiner's position that the application contains inadequate disclosure in that there is no teaching as to how to obtain the claimed properties and effects by carrying out only these steps.

9 and 12) To clarify, the Examiner does not interpret the Claims (Claims 12, 13, 24, 25, 29, and 32) to require measurement of the static build-up. Instead, the Examiner interprets the Claims to require a property rather than a step of measure.

10) The motivation to combined the references, as relied upon:

> It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Warburton's copolymer composition in the extrusion of Gillespie in view of Tortora in order to provide the product with better anti-soiling treatment, and to control the anti-soiling treatment's polymer particle size (see Abstract and col. 4, lines 60 and 61).

12) In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Therefore, the determination of whether George's process temperature would produce similar results is moot given that the material, rather than process temperature, is relied upon.

13) The Specification cited at page 2, lines 17-25 and page 3, lines 20-29 is insufficient to overcome the rejections of Claims 1-5, 10-20, 24-26, and 28-32 on the basis of solving a problem that was long standing in the art because:

a) The referenced statements in the Specification are not commensurate in scope with the claims as it is directed to broadly reducing static rather than the claimed method, in particular, the use of an anti-static material. It refers only to

the system described in the above referenced application and not to the individual claims of the application. Thus, there is no showing that the objective evidence of nonobviousness is commensurate in scope with the claims. See MPEP § 716.

b) The referenced statements in the Specification do not contain a record of cost comparison presented as evidence to its claim of the invention's cost benefit.

c) The referenced statements in the Specification appear to discuss a problem rather than stating that the problem being solved is one that was long standing, and unsolved by other means, in the art.

d) The referenced statements in the Specification do not show that others of ordinary skill in the art were working on the problem and if so, for how long. In addition, there is no evidence that if persons skilled in the art who were presumably working on the problem knew of the teachings of the above cited references; they would still be unable to solve the problem. See MPEP § 716.04.

e) Although portions of the previous deficiencies are addressed by arguments of counsel, attorney statements regarding solution of a long-felt need are not evidence and must be supported by an appropriate affidavit or declaration.

In view of the foregoing, when all of the evidence is considered, the totality of the rebuttal evidence of nonobviousness fails to outweigh the evidence of obviousness.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick Butler whose telephone number is (571) 272-8517. The examiner can normally be reached on Mo.-Th. 7:30 a.m. - 5 p.m. and alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson can be reached on (571) 272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PB

Patrick Butler
Assistant Examiner
Art Unit 1732

CHRISTINA JOHNSON
SUPERVISORY PATENT EXAMINER
12/11/04